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Written statement* submitted by Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[08 June 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Turkey: deterioration of human rights must be addressed by the United Nations Human Rights Council

Almost a year since the coup attempt of July 2016, human rights enjoyment is under attack in Turkey. While the deterioration of the human rights situation in Turkey is not new, the scale of the current crackdown and its impact have been described as unprecedented by Amnesty International and other domestic and international organizations.

The authorities have extended the initial three-month period of the state of emergency three times and widened its scope from countering the coup attempt to "combating terrorist organizations." It is currently due to run until 19 July 2017. President Erdoğan has indicated that it may be extended beyond this date.

ARBITRARY DETENTION AND TORTURE

Since the failed coup, more than 47,000 people have been remanded in pre-trial detention.[1] Amnesty International has documented cases of individuals being held in arbitrary pre-trial detention without evidence of criminal behaviour.[2] Extended pre-trial detention is a significant problem in cases relating to people's use of their right to freedom of expression, as can be seen from the prosecution of journalists (see crackdown on media freedom below).

There has been an increase in allegations of torture and ill-treatment of those in police detention following the failed coup attempt. The increase in such cases has partially been facilitated by legal amendments introduced through the state of emergency which suspend key safeguards that protect detainees from torture and other ill-treatment. The first decree under the state of emergency increased the length of time detainees can be held without charge from four to 30 days and granted law enforcement the power to record and transmit conversations between clients and lawyers in pre-trial detention. [3] In January the pre-charge detention period was reduced to seven days, extendable by a further seven days via executive decree no. 684[4]. According to credible allegations received by Amnesty International, provisions that allow remand prisoners to be brought back to police custody have been used to facilitate torture and ill-treatment.

In the aftermath of the coup attempt, Amnesty International gathered evidence of beatings and torture in official and unofficial places of detention.[5] The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visited Turkey in August 2016 and reported to the Turkish authorities in November. The Turkish authorities have not given permission for the CPT report to be made public.[6] The UN Special Rapporteur on Torture carried out a visit to Turkey in November 2016, during which he was granted unrestricted access to a limited number of detention facilities.[7] His full report is due to be presented at the Human Rights Council in March 2018.

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1 *Süleyman Soylu toplam rakamı açıkladı* http://www.hurriyet.com.tr/suleyman-soylu-toplam-rakami-acikladi-40415050.

2 See Amnesty International, Turkey: Independent monitors must be allowed to access detainees amid torture allegations https://www.amnesty.org/en/latest/news/2016/07/turkey-independent-monitors-must-be-allowed-to-access-detainees-amid-torture-allegations/?utm_source=rss&utm_medium=rss.

3 Decree no. 667, issued on 22 July 2016. Available at http://www.resmigazete.gov.tr/eskiler/2016/07/20160723.pdf.

4 Decree no. 684, issued on 23 January 2017. Available at http://www.resmigazete.gov.tr/eskiler/2017/01/20170123-3.htm.

5 See https://www.amnesty.org/en/latest/news/2016/07/turkey-independent-monitors-must-be-allowed-to-access-detainees-amid-torture-allegations/.

6 See https://www.amnesty.org/en/documents/eur44/4798/2016/en/.

7 Preliminary observations and recommendations of the United Nations Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Mr. Nils Melzer on the Official visit to

MASS ARBITRARY DISMISSALS WITHOUT DUE PROCESS

More than 100,000 public sector employees have been arbitrarily dismissed under state of emergency decrees.[8] These include members of the armed forces, police officers, teachers, doctors, academics and people working at all levels of central and local government. The main target of the purge are people perceived to be followers of Fethullah Gülen, the head of the Gülen movement, whom the government holds responsible for the coup attempt, referring to them as the "Fetullahist Terrorist Organization" (FETÖ). However, a much wider group of people has been targeted. Dismissed individuals who spoke to Amnesty International denied links to terrorism or any other wrongdoing. They allege that they have been targeted primarily because of their real or perceived opposition to the ruling Justice and Development Party (AK Party) government. Assessing why individual dismissals took place is impossible, as none of those affected has been provided with any evidence of their alleged wrongdoing. The decrees simply offered the generalized justification that all the individuals listed in them were "...part of, connected to or in communication with a terrorist organization."[9] Relevant public administrators have not presented any justification for the individual dismissals, nor have the individuals affected been able to obtain such information since their dismissals. The blanket nature of the dismissals and the fact those affected include trade union, political or human rights activists and known critics of the government from conservative sections of society, and the context of the broader crackdown on dissent, increase concerns that many dismissals were arbitrary, unfair and/or politically motivated.

The dismissals have had a devastating impact on those affected and their families. Public sector employees have lost their current jobs; and been expelled from public service, meaning that many have been prevented from continuing their chosen professions. Others have lost housing and healthcare benefits. The stigma of being branded a "terrorist" weighs heavily on those affected and their families, complicating their situation further. Dismissed public sector employees have also been prevented from seeking employment abroad, as the decrees require the cancelation of their passports.

The uncertain future for dismissed public sector employees is heightened by the absence of any effective means for them to challenge their dismissals. An ad hoc commission is to begin assessing these cases and the closure of institutions under the state of emergency, but its seven officials will lack both the independence and capacity to make the mechanism effective. Of the seven members, three are chosen by the office of the Prime Minister, one each by the Ministries of Justice and Interior and two by the High Council of Judges and Prosecutors (HSYK, the highest judicial body) - all institutions that were responsible for initial dismissal decisions. Furthermore, in order to process the caseload, the members will have to take hundreds of decisions per day during their proposed two-year mandate.

To date, the European Court of Human Rights has rejected cases brought by dismissed individuals on the basis that they have not exhausted domestic remedies against their dismissal.[10]

Turkey – 27 November to 2 December 2016.
http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20976&LangID=E.

8 Amnesty International, *No end in sight – Purged public sector workers denied a future in Turkey*
https://www.amnesty.org/en/documents/eur44/6272/2017/en/.

9 Article 4 of decree no. 667, issued on 22 July 2016. Available at
http://www.resmigazete.gov.tr/eskiler/2016/07/20160723.pdf.

10 See European Court of Human Rights, 8 December 2016, *A teacher dismissed by emergency legislative decree after the failed coup d'état did not exhaust domestic remedies*
http://hudoc.echr.coe.int/app/conversion/pdf?library=ECHR&id=003-5571467-7027985&filename=Decision%20Zihni%20v.%20Turkey%20-%20dismissal%20of%20a%20teacher%20by%20emergency%20legislative%20decree.pdf

MASSIVE CRACKDOWN ON MEDIA FREEDOM

Freedom of expression and dissenting media have been heavily restricted by the crackdown. Since the attempted coup, over 156 media outlets have been permanently shut down by successive emergency decrees. Over 120 journalists and other media workers are currently imprisoned pending trial; some have been held for up to ten months. The Committee to Protect Journalists estimates that Turkey is the biggest jailer of journalists worldwide, as almost a third of the global total of imprisoned journalists behind bars are in Turkey's jails.[11] Amnesty International considers that the routine and lengthy pre-trial detention of journalists and other media workers in Turkey is tantamount to punishment without conviction. People expressing dissent, especially in relation to the Kurdish issue, have been subjected to threats of violence and criminal prosecution.

Vague anti-terrorism laws, such as those prohibiting membership of, or making propaganda for, a terrorist organization, are being used to prosecute journalists and media workers. All dissenting sections of the media have been targeted, including those focusing on the Kurdish issue, those accused of supporting the exiled cleric Fethullah Gülen, and the secular media.[12]

RECOMMENDATIONS

In light of the above concerns, Amnesty International calls on the UN Human Rights Council to urge the Turkish authorities to:

- Allow unhindered access to the Office of the High Commissioner for Human Rights to conduct a fact- finding mission;
- Grant permission for the CPT's report on its 2016 mission to Turkey to be published, and commit to allowing regular independent monitoring of places of detention;
- End the use of arbitrary, extended and punitive pre-trial detention;
- Release journalists from pre-trial detention and drop the charges against them, unless there is clear evidence that an internationally recognizable crime has been committed;
- End the arbitrary dismissals of public sector officials under state of emergency decrees and establish an independent, impartial, transparent and effective appeal mechanism through which public sector employees can challenge dismissal from their jobs and expulsion from public service.

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11 Committee to Protect Journalists, *Turkey's crackdown propels number of journalists in jail worldwide to record high* https://cpj.org/reports/2016/12/journalists-jailed-record-high-turkey-crackdown.php

12 Amnesty International, *Journalism is not a crime – Crackdown on media freedom in Turkey.* https://www.amnesty.org/en/documents/eur44/6055/2017/en/